

**Notice of Allowability**

Application No.

10/624,363

Examiner

Brian E. Glessner

Applicant(s)

HARTMAN, PAUL H.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on 7/22/03.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 22 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9/17/01
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Hartman on 4/25/05.

The application has been amended as follows:

In the Specification:

Page 1, after the title "DEMAND SIDE MANAGEMENT STRUCTURES," delete the first paragraph and insert the following new paragraph:

--The following application is a Continuation-in-part of U.S. Patent application number 09/897,215, which was filed on July 2, 2001, now abandoned, which claimed priority to provisional application number 60/215,919, filed on July 3, 2000.--

In the Claims:

Claim 1, line 4, after "web" delete "proximal to a near flange" and insert --near one of said flanges--.

Claim 1, line 5, after "angle" delete "to" and insert --with--.

Claim 6, line 1, delete "The structural beam of claim 1, wherein" and insert --An openwork frame comprising--.

Claim 6, line 1, after "beams" and before "make" insert --of claim 1 that--.

Claim 6, line 2, delete "comprising an openwork frame".

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Claim 7, line 1, delete "The openwork frame of claim 6" and insert --A panel comprising the openwork frame of claim 6--.

Claim 8, line 1, delete "building".

Claim 9, line 1, delete the first occurrence of "insulating".

Claim 10, line 1, delete "insulating".

Claim 11, line 1, delete "insulating".

Claim 12, line 1, delete "heat transfer".

Claim 13, line 1, delete "The heat transfer panel of claim 12" and insert --A thermal storage tank comprising--.

Claim 13, line 1, after "panels" insert --of claim 12--.

Claim 13, line 1, after "forming" delete "a" and insert --said--.

Claim 14, line 1, delete "heat transfer".

Claim 15, line 1, delete "building".

Claim 16, line 1, delete "daylighting".

Claim 17, line 1, delete "daylighting".

Claim 18, line 1, delete "heat transfer".

Claim 20, line 1, delete "building".

Claim 21, line 1, delete "photovoltaic".

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: Although the prior art references of record show some similar features of applicant's claimed invention, they fail to show the use of an I-beam having at least two angle sections

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attached to the web in the manner claimed in claim 1. The examiner can find no proper motivation to combine the references of record to produce applicant's claimed device. Claims 2-22 are allowable because they depend from claim 1 and because they add further limitations to claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Information Disclosure Statement***

The information disclosure statement filed 7/22/03 fails to comply with 37 CFR 1.98(a)(2), because a legible copy of each of the non-patent literature publications was not provided. It has been placed in the application file, but the information referred to therein has not been considered.

#### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 571-272-6843. The examiner can normally be reached on Monday through Thursday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Brian E. Glessner  
Primary Examiner  
Art Unit 3635

B.G.  
April 25, 2005